

City Council Introduction: **Monday**, March 19, 2001
Public Hearing: **Monday**, March 26, 2001, at **5:30 p.m.**

Bill No. 01-40

FACTSHEET

TITLE: **STREET VACATION NO. 01002**, requested by Clifton Livingston and the University of Nebraska Board of Regents, to vacate the public right-of-way adjacent to the west side of Stadium Drive from the south line of "U" Street to the north line of Lot 4, Block 10, North Lincoln Addition, and to vacate "U" Street from the east line of 10th Street to a point 12 feet east of the west line of Stadium Drive.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan and conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 03/07/01
Administrative Action: 03/07/01

RECOMMENDATION: A finding of conformance with the Comprehensive Plan and conditional approval
(9-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer voting 'yes')

FINDINGS OF FACT:

1. The Planning staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan, with conditions of approval, is based upon the "Analysis" as set forth on p.3.
2. This application was placed on the Consent Agenda of the Planning Commission on March 7, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 12, 2001

REVIEWED BY: _____

DATE: March 12, 2001

REFERENCE NUMBER: FS\CC\FSV01002

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: **STREET VACATION NO. 01002**
 Stadium Drive and U Street

DATE: February 21, 2000

PROPOSAL: Clifton Livingston and Linda Cowdin, UNL Property Management have requested the vacation of public right of way adjacent to the west side of Stadium Drive from the south line of "U" Street to the north line of Lot 4, Block 10 North Lincoln Addition and "U" Street from the east line of 10th Street to a point 12 feet east of the west line of Stadium Drive.

GENERAL INFORMATION:

APPLICANT: Clifton Livingston
 201 E. David Blvd.
 Tampa, FL 33606

Board of Regents of the University of Nebraska
Linda Cowdin, UNL Property Management
1901 "Y" Street
Lincoln, NE 68508

LEGAL DESCRIPTION: Commencing at the northeast corner of Lot 4, Block 10, North Lincoln Addition, thence east 5 feet along the north line extended, thence in a southeasterly direction to a point 35 feet south and 13 feet east of the west line of Stadium Drive, thence south along a line 13 feet east of and parallel to the west line of Stadium Drive for a distance of 168.5 feet to a point, thence east 9 feet to a point 22 feet east of and parallel to the west line of Stadium Drive, thence south along this line for a distance of 146.5 feet to a point 12 feet east of and parallel to the west line of Stadium Drive, thence continuing south along this line to the intersection of the south line of "U" Street extended; and "U" Street from the east line of 10th Street (formerly 9th Street) to a point 12 feet east of the west line of Stadium Drive, located in the east ½ of Section 23, T10N, R6E of the 6th P.M., Lancaster County, Nebraska.

SIZE: 40,748 square feet

EXISTING ZONING: I-1 Industrial and P Public Use

EXISTING LAND USE: Public right of way adjacent to University parking

SURROUNDING ZONING AND LAND USE: P Public Use Zoned Memorial Stadium and UNL campus to the east, I-1 zoned parking and I-180 right of way to the west, P Public Use and I-1 Industrial zoned university parking garage to the south, and I-1 Industrial zoned private steel yard to the north across the railroad tracks.

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. The Land Use Plan shows the property as Industrial and Public and Semi-Public, matching the zoning lines.

ANALYSIS:

1. The City has received sufficient and proper petitions to vacate the public right of way adjacent to the west side of Stadium Drive from the south line of "U" Street to the north line of Lot 4, Block 10, North Lincoln Addition and "U" Street from the east line of 10th Street to a point 12 feet east of the west line of Stadium Drive.
2. The applicant states that this request will ensure an adequate footprint for the proposed Champions Club events facility and that the vacated right of way will be used to create green space and expand the parking area.
3. Neither Stadium Drive nor "U" Street are shown on the Existing or Future Functional Street and Road Classification Maps.
4. According to the Public Works & Utilities report:
 - S The City of Lincoln Wastewater and Water Divisions, Alltel and Peoples Natural Gas all have existing facilities in the area of the proposed vacation.
 - S All have requested that utilities be retained in the area.
 - S Lincoln Electric System has existing street lighting in the area and has requested the lighting be disconnected from LES facilities and sold to UNL or be removed completely.
5. Public Works & Utilities recommends approval of the proposed vacation, subject to retaining a permanent utility easement and the removal or transfer of the existing LES street lighting facilities.
6. Real Estate appraised the value of the vacated area at \$80,600.00

STAFF RECOMMENDATIONS:

The proposed vacation conforms with the 1994 Comprehensive Plan.

CONDITIONS:

1. The City retains a permanent utility easement over the vacated area.
2. The LES street lighting facilities are sold and transferred to UNL or are removed completely.

Prepared by:

Jason Reynolds
Planning Department

STREET VACATION NO. 01002

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 7, 2001

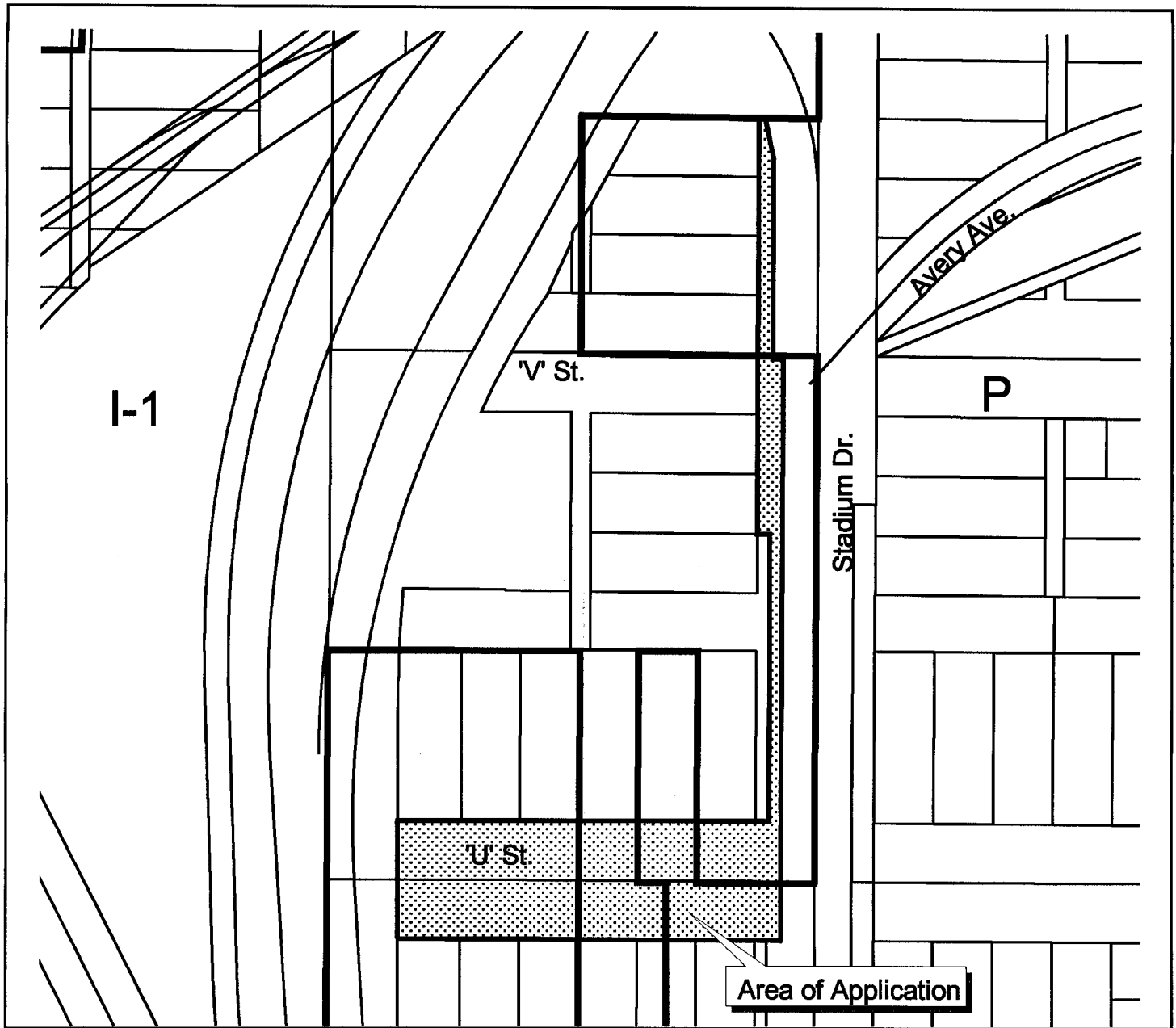
Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 203; SPECIAL PERMIT NO. 1881, EAGLE VIEW COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 00026, EAGLE VIEW; FINAL PLAT NO. 00016, LANDMARK CORPORATE CENTER; and STREET AND ALLEY VACATION 01002.**

Item No. 1.2a, Special Permit No. 1881, and Item No. 1.2b, Preliminary Plat No. 00026, were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Carlson and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

Note: This is final action on Final Plat No. 00016, Landmark Corporate Center, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by Planning Commission.



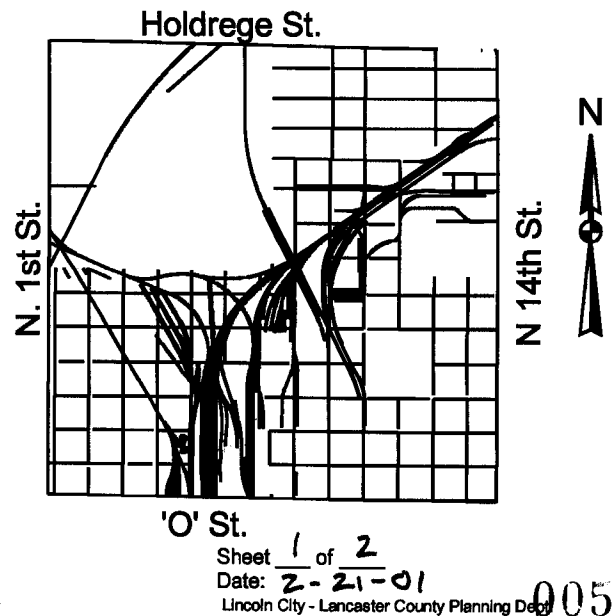
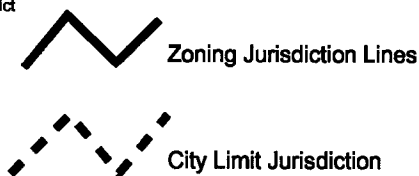
Street & Alley Vacation #01002 'U' St. & Stadium Dr.

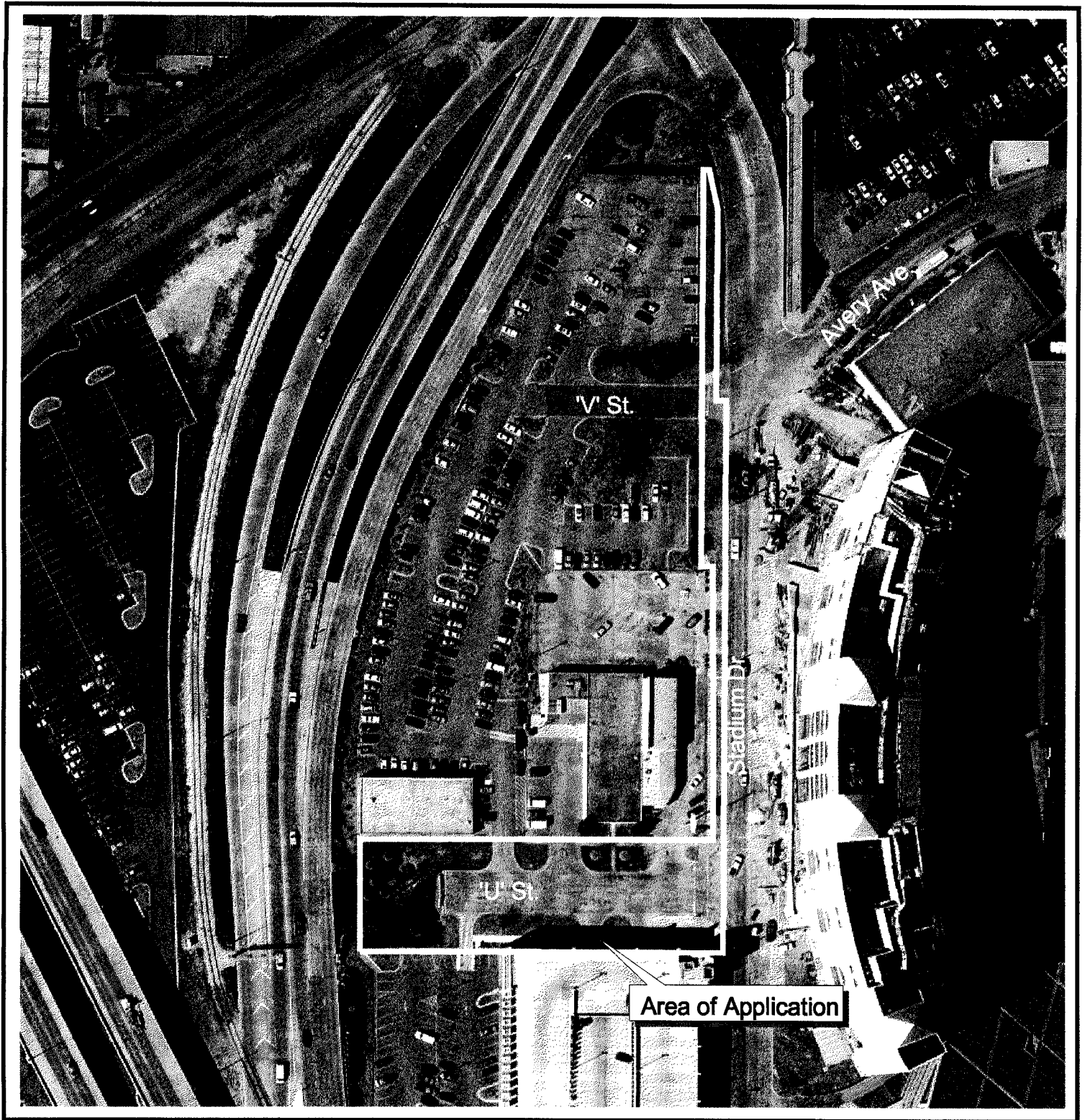
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

m:\plan\arcview\jen\sav01002 (layout 1)

One Square Mile
Sec. 23 T10N R6E





Street & Alley Vacation #01002
'U' St. & Stadium Dr.



Sheet 2 of 2

Date: 2-21-01

Photograph Date: 1999

006

A1 SITE PLAN

SCALE: 1" = 40' REFER TO THE FOLLOWING ENLARGED SITE PLAN DRAWINGS FOR ADDITIONAL INFORMATION

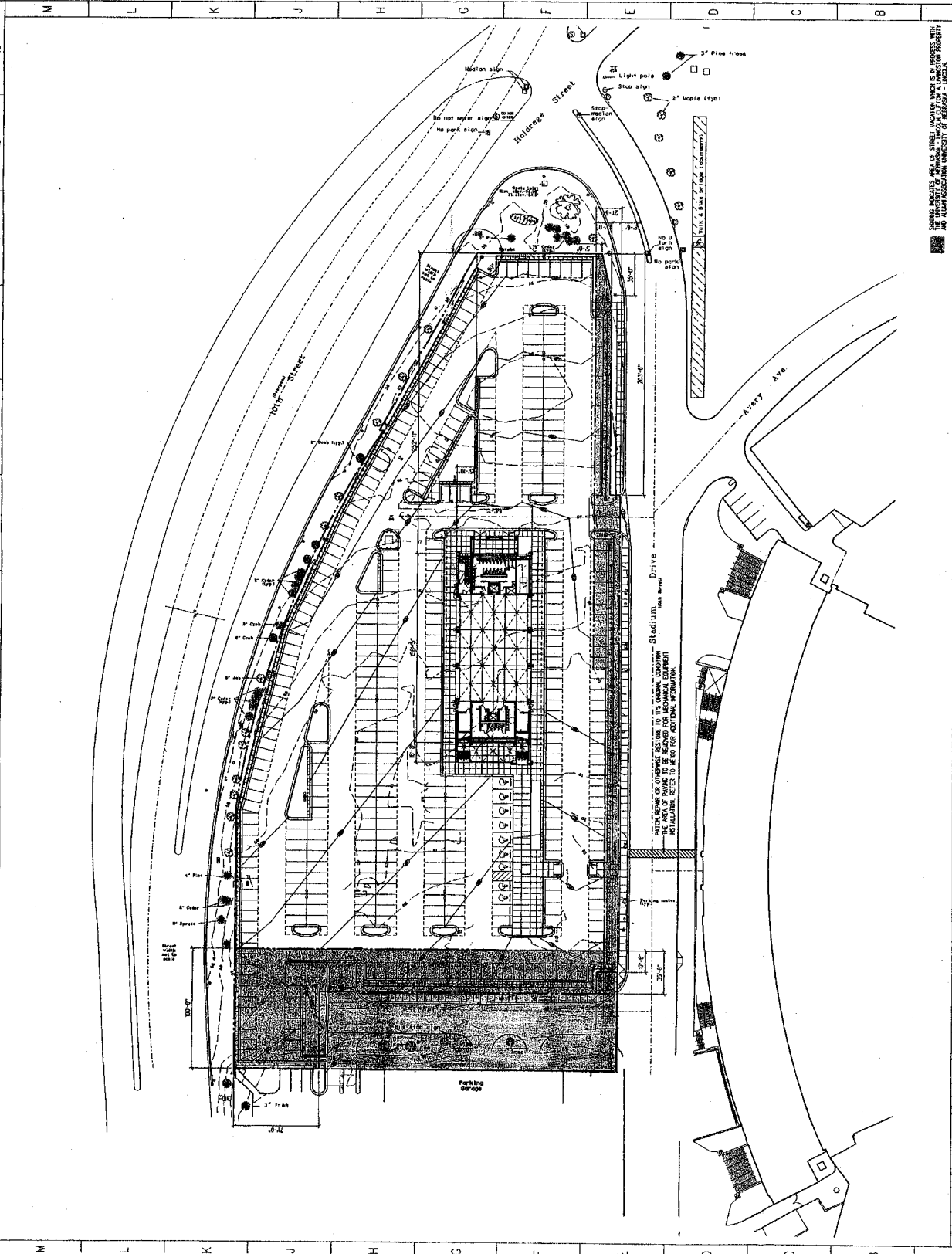
RECEIVED
JAN 31 2001
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

SINCLAIRVILLE
700 C Street Lincoln, Nebraska 68502 714-622-7701 714-622-7701
MOBILE

CHAMPIONS CLUB
Nebraska Alumni Association

Standard Engineer
201 North 10th Street, Suite 200
Lincoln, NE 68502
(402) 441-1111
GORDON R. HARDLE
A-2080
Professional Engineer
Nebraska State Board of Engineers
1998-1999

DATE	12-4-00
BY	CHW/JS
CHECKED	CHW
DESIGNED	CHW
IN CHARGE	CHW



Lincoln



Nebraska's Capital City

February 23, 2001

Lincoln City/Lancaster County
Planning Commission
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Vacation of public right-of-way adjacent to west side of Stadium Drive from the south line of "U" Street to the north line of Lot 4, Block 10 North Lincoln Addition and "U" Street from the east line of 10th Street to a point 12 feet east of the west line of Stadium Drive.

Dear Ladies and Gentlemen:

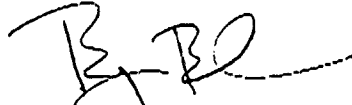
The Department of Public Works and Utilities has received sufficient and proper petitions from Clifton Livingston, owner of Lot 3, Block 15 North Lincoln Addition, Irregular Tract Lot 56, Lot 1, Block 5 Original Plat of Lincoln and the adjacent west 10 feet of vacated Stadium Drive (formerly 10th Street), and Linda Cowdin, UNL Property Management, owners of a portion of Lots 4, 5, and 6, Block 10, Lots 1 and 2, Block 15, North Lincoln Addition, Lots 2, 3, 4, 5 and a portion of 6, Block 5, Lots 1, 2, 3, 4, 5 and a portion of 6, Block 10, Original Plat of Lincoln and a portion of vacated "V" Street between 9th Street and Stadium Drive, to vacate a portion of Stadium Drive. The petitioners original vacation request and the City's recommended vacation differ, a meeting with the petitioners representative has altered the proposed vacation (see description below). Petitioners are requesting this vacation for the construction of the Champions Club.

A description of the proposed vacation is: Commencing at the northeast corner of Lot 4, Block 10, North Lincoln Addition, thence east 5 feet along the north line extended, thence in a southeasterly direction to a point 35 feet south and 13 feet east of the west line of Stadium Drive, thence south along a line 13 feet east of and parallel to the west line of Stadium Drive for a distance of 168.5 feet to a point, thence east 9 feet to a point 22 feet east of and parallel to the west line of Stadium Drive, thence south along this line for a distance of 146.5 feet to a point 12 feet east of and parallel to the west line of Stadium Drive, thence continuing south along this line to the intersection of the south line of "U" Street extended. "U" Street from the east line of 10th Street (formerly 9th Street) to a point 12 feet east of the west line of Stadium Drive is also included in this vacation request. (See attached map).

The City of Lincoln Wastewater and Water Divisions, Alltel and Peoples Natural Gas all have existing facilities in the area for the proposed vacation. All have requested that easements be retained for existing and future facilities for the entire vacated area. Lincoln Electric System has existing street lighting in this area and has requested the lighting be disconnected from L.E.S. facilities and sold to UNL or be removed completely.

The Department of Public Works and Utilities recommends approval of this proposed vacation with the above described conditions. This vacation contains an area of 40,748.5 square feet, more or less.

Sincerely,



Byron Blum
Engineering Services
Department of Public Works

jaj StadDrVac b1b

cc: Allan Abbott
Ann Harrell
Kathleen Sellman
Marc Wullschleger
Roger Figard
Joan Ross
Clint Thomas
Dana Roper

SAV 01002

INTEROFFICE MEMORANDUM

TO: City Council Members
 FROM: Clinton W. Thomas
 DEPARTMENT: City Council Office
 DEPARTMENT: Real Estate Division
 ATTENTION:
 DATE: February 14, 2001
 COPIES TO: Joan Ross
 [Redacted]
 Dana Roper
 Byron Blum
 SUBJECT: Vacation of Public Right-of-Way, Stadium Drive, and U Street from 9th to 10th Streets

A request has been made to vacate U Street from 10th to Stadium Drive and a portion of Stadium Drive from the south line of U Street to the north line of Lot 4, Block 10, North Lincoln Addition. Public Works has calculated the area to be vacated at 40,748.5 sq. ft. They have also indicated utilities including electric, gas, telephone, water and wastewater are located within the area proposed for vacation and have requested easements be retained for the existing and future utilities.

The underlying value of a parcel of buildable land in proximity to Memorial Stadium is estimated at \$10 per sq. ft. However, the parcel to be vacated is a narrow, irregular-shaped parcel which cannot be built on due to the imposition of utility easements over the entire area. Therefore, its value is reduced to that of additive or assemblage land to the adjoining parcel. It is the appraiser's opinion a property owner would pay 25% to 35% of the value to be realized for a small strip of assemblage land such as this. Given the myriad of utilities located within the area are estimated to reduce its value by up to 75%, a value toward the lower end of the range, or 25% of the underlying value, is deemed appropriate. The value of the parcel is estimated as follows:

$$40,748.5 \text{ sq. ft.} \times \$2.50/\text{sq. ft.} = \$101,871.25$$

A sidebar to this discussion revolves around the fact that in December, 1998 the City proposed to acquire Temporary and Permanent Easements from the University at this location in conjunction with the reconstruction of the sewer line leading from Memorial Stadium. At that time, it was agreed that if the University would donate the necessary easements, they would be given credit toward the purchase of U Street should it be vacated. Based on this "gentlemen's agreement", the University should be given credit for \$21,250, which is the appraised value of the easements, toward the value of the vacated streets. The calculations are as follows:

$$\$101,871.25 - \$21,250.00 = \$80,621.25 \text{ called } \$80,600$$

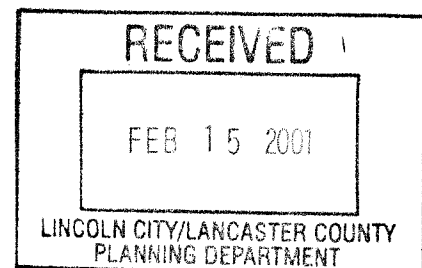
Therefore, it is recommended that if U Street and this portion of Stadium Drive be vacated they be sold to the University of Nebraska - Lincoln for \$80,600.

Respectfully submitted,

Clinton W. Thomas

Clinton W. Thomas
 Certified General Appraiser #990023

dge



010

REFERRED
NOV 6 2000
Law

011

INFORMATION SHEET

This information sheet should be filled out completely by each Petitioner. The attached Petition to Vacate must also be filled out according to the instructions contained in the Instruction Sheet.

1. Petitioner's name: Board of Regents of the University of Nebraska
2. Petitioner's address: 1901 "Y" Street
3. Petitioner's telephone number: (402) 472-3426
4. Social Security number of each Petitioner or Federal Employer Identification No. if a corporation: 47-0491233
5. Name of street, alley or other public way sought to be vacated: 1) West 22 feet of Stadium Drive adjacent to Lots 4, 5, and 6, Block 10, Lots 1 and 2, Block 15, North Lincoln Addition, vacated "V" Street, and from the south line of "U" Street north 50',
2) All of "U" Street from the east line of 9th Street to the east line of Lot 2, Block 5,
Original Plat of Lincoln and south half of "U" Street from the east line of Lot 2, Block 10,
Original Plat of Lincoln to the west line of Stadium Drive, Lincoln, Lancaster County
Nebraska. (See attached)
6. Why are you seeking to have this street, alley or other public way vacated?

The Board of Regents of the University of Nebraska recently entered into an Agreement with the Alumni Association of the University of Nebraska-Lincoln to create a special events facility to be constructed on the site of the excising Big Red Shop and UNL's parking lot at Stadium Drive and "U" Street. This request will ensure an adequate footprint for the Champions Club.
7. What use or uses do you propose to make of the public way should it be vacated?

Create green space and expand parking around the Champions Club

I (WE) DO INTEND TO PURCHASE THAT PORTION OF THE VACATED PUBLIC WAY WHICH ABUTS (MY) (OUR) PROPERTY AS DESCRIBED IN THE PETITION TO VACATE PUBLIC WAY AND/OR OTHER PORTIONS OF THE VACATED PUBLIC WAY.

YES

NO

Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading until the full price of the entire public way proposed to be vacated has been paid.

****IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THIS INFORMATION SHEET.**

Rev. 1/86
Form B-100a
Approved: City Law Dept.

LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

1900 U.S. BANK BUILDING
233 SOUTH 13TH STREET

LINCOLN, NEBRASKA 68508-2095

(402) 474-8900

FAX (402) 474-5393

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CHARLES E. WRIGHT, COUNSEL
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RICHARD P. JEFFRIES, COUNSEL

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(402) 387-1700

AURORA OFFICE:
P.O. BOX 510
1207 M STREET
AURORA, NEBRASKA 68818
(402) 884-8312

January 24, 2001

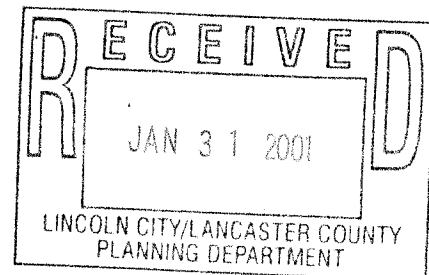
Telecopy

434-2687

Mr. Byron Blum, Engineering Specialist
Public Works and Utilities Department
Suit 100 531 Westgate Blvd.
Lincoln NE 68528

Re: Stadium Drive right-of-way vacation
Our File: UAA01-RE002

Dear Byron:



As we discussed last Friday, the right-of-way vacation petitions have been submitted in the name of Cliff Livingston as the then owner of a portion of the property abutting "U" Street and Stadium Drive. We had wanted to get the street vacation petitions in process before closing. The Alumni Association acquired title to the Livingston property last week on January 18. I attach a copy of the Right-of-Way Purchase and Indemnification Agreement that the Alumni Association had entered into with Mr. Livingston. You will see that paragraph 2 provided two possibilities. The second possibility occurred so that we acquired title from Mr. Livingston prior to the approval of the street vacation petitions, and thus Mr. Livingston assigned any right, title, and interest in the vacation petitions to the Alumni Association.

Please let me know if you have any questions.

Sincerely,

Thomas C. Huston
For the Firm

INFORMATION SHEET

This information sheet should be filled out completely by each Petitioner. The attached Petition to Vacate must also be filled out according to the instructions contained in the Instruction Sheet.

1. Petitioner's name: Clifton A. Livingston
2. Petitioner's address: 201 E. ANNIS BLVD., TAMPA, FL 33606
3. Petitioner's telephone number: (813) 254-7777
4. Social Security number of each Petitioner or Federal Employer Identification No. if a corporation: 228-64-6314
5. Name of street, alley or other public way sought to be vacated: 1) 12 feet of Stadium Drive adjacent to the west 10' of vacated 10th street lying between the north line of "U" Street and the north line (extended) of Lot 3, Block 15, North Lincoln Addition, 2) West 22' of Stadium Drive from the north line of "U" Street south 50', and 3) North half of "U" Street from the west line of Lot 1, Block 5, Original Plat of Lincoln to the west line of Stadium Drive, Lincoln, Lancaster County, Nebraska. (See attached)

6. Why are you seeking to have this street, alley or other public way vacated?

The Alumni Association of the University of Nebraska-Lincoln recently entered into an Agreement with the Board of Regents of the University of Nebraska to create a special events facility to be constructed on the site of the excising Big Red Shop and UNL's parking lot at Stadium Drive and "U" Street. This request will ensure an adequate footprint for the Champions Club.

7. What use or uses do you propose to make of the public way should it be vacated?

Create green space and expand parking around the Champions Club

I (WE) DO INTEND TO PURCHASE THAT PORTION OF THE VACATED PUBLIC WAY WHICH ABUTS (MY) (OUR) PROPERTY AS DESCRIBED IN THE PETITION TO VACATE PUBLIC WAY AND/OR OTHER PORTIONS OF THE VACATED PUBLIC WAY.

☒ YES

☐ NO

Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading until the full price of the entire public way proposed to be vacated has been paid.

****IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPETED AND IS ATTACHED TO THIS INFORMATION SHEET.**

Rev. 1/86
Form B-100a
Approved: City Law Dept